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August 16, 2005

Arthur Neal
Director, Program Administration
National Organic Program
USDA-AMS-TMP-NOP
1400 Independence Ave., SW
Room 4008-So.
Ag. Stop 0268
Washington, D.C. 20250

Subject: Docket Number TM-04-07

Dear Mr. Neal:

On behalf of International Association of Color Manufacturers (IACM), I am pleased to submit the following comments in response to the notice, "National Organic Program, Sunset Review" 70 Fed. Reg. 35177 (June 17, 2005). IACM is the international association of color additive manufacturers. IACM's members manufacture and market colors that are incorporated into a wide range of foods, drugs and cosmetics. IACM members also produce colors that are currently permitted in foods and beverages certified as organic under the NOP.

IACM Supports Allowance of Colors as Ingredients in Organic Products

IACM requests that the National Organic Standards Board (NOSB) renew the exemption allowing for the use of colors, from nonsynthetic sources only, as nonagricultural (nonorganic) substances allowed as ingredients in or on processed products labeled as "organic" or "made with organic (specified ingredients or food groups)."

The Organic Foods Production Act (OFPA) provides a strong presumption in favor of the use of natural ingredients in organic products. Under the Act, the "National List" of approved and prohibited substances for use in organic products may prohibit the use of specific natural substances only under limited circumstances:

The National List may prohibit the use of specific natural substances in an organic farming or handling operation that are otherwise allowed under this chapter only if (A) the Secretary determines, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, that the use of such substance (i) would be harmful to human health or the environment; and (ii) is inconsistent

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with organic farming or handling, and the purpose of this chapter; and (B) the specific prohibition is developed using the procedures specified in subsection (d) of this section.

Therefore, USDA is permitted to prohibit natural substances only if the substances are “harmful to human health” or meet the other criteria above.

In the final rule published on December 21, 2000 establishing the National Organic Program, USDA included colors - nonsynthetic sources only, on the National List under § 205.605. IACM requests that the NOSB renew this allowance under the Sunset Review provisions of the OFPA.

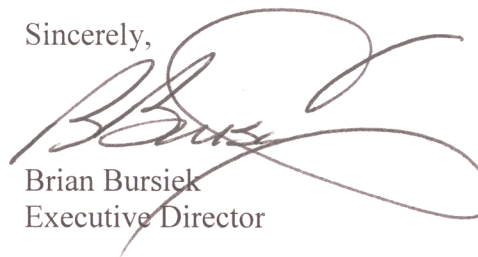
Allowance of Nonsynthetic Colors is Consistent with OPFA

The OFPA included the following statement of purposes: (1) to establish national standards governing the marketing of certain agricultural products as organically produced products; (2) to assure consumers that organically produced products meet a consistent standard; and (3) to facilitate interstate commerce in fresh and processed food that is organically produced, 7 U.S.C. § 6501.

Continuing to allow the use of colors, from nonsynthetic sources only, as nonagricultural substances allowed as ingredients in organic products, is consistent with the mandates of the Act. In addition, it will allow organic food and beverage producers to continue to utilize these colors to enhance the value of their products to organic food and beverage consumers.

We are grateful for the opportunity to comment during the Sunset Review, and we are available to provide additional information to the NOSB.

Sincerely,

A handwritten signature in dark ink, appearing to read 'B. Bursiek', with a large, sweeping flourish extending from the end of the signature.

Brian Bursiek
Executive Director